

REMARKS

Reconsideration and allowance are respectfully requested in view of the foregoing amendments and the following remarks.

Upon entry of this amendment, claims 32-46, 48-49, and 53-58 are pending in the application. By this amendment, claims 47 and 50-52 have been cancelled and new claims 53-58 have been added.

The drawings are objected to under 37 CFR 1.83(a) for not showing every feature specified in the claims. With respect to the “first gap” in claim 1, Applicants respectfully note that such gap is identified as gap 322 in Figs. 47 and 48 and described in paragraph 105 of the specification. With respect to the “second gap” in claim 1, Applicants respectfully note that such gap is identified as gap 328 in Figs. 47 and 48 and described in paragraph 105 of the specification. Claim 47 has been cancelled. Withdrawal of the drawing objection is respectfully requested.

With respect to the Information Disclosure Statement (IDS) filed July 10, 2006, Applicants submit a fresh 1449 along with a copy of the GB document (which is lined through in the Examiner’s initialed copy of the July 10 IDS). Consideration of such GB document and the “International Search Report” in the July 10 IDS (which is not initialed) is respectfully requested, both of which were uploaded to PAIR on July 10.

Claims 45-46 are rejected under 35 U.S.C. § 112, second paragraph. With respect to claim 45, Applicants respectfully note that the “spring loop design” is described in lines 8-12 of paragraph 105. Moreover, Applicants respectfully note that Figs. 47 and 48 clearly show such configuration as each spring arm 312 is designed to form a general “loop”, e.g., see loop defined by reference numerals 326, 324, and 312 in Fig. 47. Withdrawal of the § 112 rejection is respectfully requested.

Claims 32-37 and 47 are rejected under 35 U.S.C. § 102(e) by Matoba. This rejection is respectfully traversed.

The Office Action asserts that the spring arm of Matoba includes a proximal portion at 31 extending from the second end at 36 and a central portion at 33 extending from and angled with respect to the proximal portion at 31, and that the proximal portion at 31 is spaced from the main

body by a first gap (shown in Examiner's marked-up copy of Fig. 6 in the Office Action) and the central portion at 33 is spaced from the rear portion at 2 by a second gap (shown in Examiner's marked-up copy of Fig. 6 in the Office Action). Applicants respectfully disagree with this assertion.

As clearly shown in the Examiner's marked-up copy of Fig. 6 in the Office Action, the "second gap" of Matoba is defined by the rear portion at 2 and the guide rod at 37, i.e., the central portion at 33 of Matoba does not define the second gap. Rather, the central portion at 33 is spaced from the proximal portion at 31 to define the slit or gap at 35. Accordingly, Matoba does not teach or suggest a locking clip in which each spring arm includes a proximal portion that is spaced from the main body by a first gap and a central portion that is spaced from the rear portion by a second gap, the first and second gaps forming a general L-shape as recited in claim 32.

Withdrawal of the rejection of claim 32 is respectfully requested.

Claims 33-37 are allowable by virtue of their dependence on claim 32 and additionally allowable for their recitation of additional patentable subject matter. For example, Matoba does not disclose that the second gap extends from a lateral side of the clip. Rather, as clearly shown in the Examiner's marked-up copy of Fig. 6 in the Office Action, the "second gap" of Matoba extends along an internal portion of the clip.

Claims 50-51 are rejected under 35 U.S.C. § 102(e) by Lithgow et al. Claims 50-51 have been cancelled so the rejection is moot.

Claims 38-39 and 50-52 are rejected under 35 U.S.C. § 103(a) over Matoba and further in view of Anscher. The Office Action relies on Anscher to teach a groove in the central support tab. This does not make up for the deficiencies noted above with respect to Matoba. Accordingly, claims 38-39 are allowable by virtue of their dependence on claim 32 and additionally allowable for their recitation of additional patentable subject matter. Claims 50-52 have been cancelled so the rejection is moot.

Claims 40-41 are rejected under 35 U.S.C. § 103(a) over Matoba and Anscher and further in view of Schmitz. The Office Action relies on Schmitz to teach front and rear portions being disposed at an angle with respect to one another. This does not make up for the deficiencies noted above with respect to Matoba. Accordingly, claims 40-41 are allowable by virtue of their

dependence on claim 32 and additionally allowable for their recitation of additional patentable subject matter.

Claims 42-45 are rejected under 35 U.S.C. § 103(a) over Matoba, Anscher and Schmitz and further in view of Southern. The Office Action relies on Southern to teach protrusions for finger grip portions. This does not make up for the deficiencies noted above with respect to Matoba. Accordingly, claims 42-45 are allowable by virtue of their dependence on claim 32 and additionally allowable for their recitation of additional patentable subject matter.

Claim 46 is rejected under 35 U.S.C. § 103(a) over Matoba, Anscher, Schmitz and Southern and further in view of Nishida et al. The Office Action relies on Nishida et al. to teach a locking clip made of polyester material. This does not make up for the deficiencies noted above with respect to Matoba. Accordingly, claim 46 is allowable by virtue of its dependence on claim 32 and additionally allowable for its recitation of additional patentable subject matter.

Claims 48-49 are rejected under 35 U.S.C. § 103(a) over Eaton et al. in view of Matoba. The Office Action relies on Eaton to teach a respiratory mask assembly which includes a frame. This does not make up for the deficiencies noted above with respect to Matoba. Accordingly, claims 48-49 are allowable by virtue of their dependence on claim 32 and additionally allowable for their recitation of additional patentable subject matter.

Claims 50-51 are rejected on the ground of nonstatutory obviousness-type double patenting. Claims 50-51 have been cancelled so the rejection is moot.

New claims 53-58 have been added. Entry and allowance of these new claims is respectfully requested.

In view of the above amendments and remarks, Applicants respectfully submit that all claims are patentable and that the entire application is in condition for allowance.

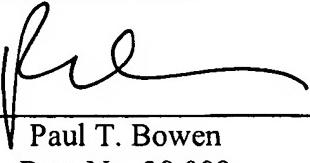
GUNNEY et al.
Appl. No. 10/585,514
September 28, 2009

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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